

## Agricultural Marketing Service, USDA

## Pt. 1219

or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

### § 1218.105 Ballots.

The referendum agent and subagents shall accept all ballots cast. However, if an agent or subagent deems that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

### § 1218.106 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on the results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to the analysis of the referendum and its results.

### § 1218.107 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the vote of any person covered under the Act and the voting list shall be held confidential and shall not be disclosed.

## PART 1219—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

### Subpart A—Hass Avocado Promotion, Research, and Information Order

#### DEFINITIONS

Sec.	
1219.1	Act.
1219.2	Association.
1219.3	Conflict of interest.
1219.4	Consumer information.
1219.5	Crop year.
1219.6	Customs.
1219.7	Department.
1219.8	Exempt handler.
1219.9	First handler.

1219.10	Fiscal period or marketing year.
1219.11	Handle.
1219.12	Hass avocado.
1219.13	Hass Avocado Board.
1219.14	Importer.
1219.15	Industry information.
1219.16	Marketing.
1219.17	Order.
1219.18	Part and subpart.
1219.19	Person.
1219.20	Producer.
1219.21	Programs, plans, and projects.
1219.22	Promotion.
1219.23	Research.
1219.24	Secretary.
1219.25	State.
1219.26	United States.

#### THE HASS AVOCADO BOARD

1219.30	Establishment and membership.
1219.31	Initial nomination and appointment of producer members and alternates.
1219.32	Initial nomination and appointment of importer members and alternates.
1219.33	Subsequent nomination and appointment of Board members and alternates.
1219.34	Failure to nominate.
1219.35	Term of office.
1219.36	Vacancies.
1219.37	Alternate members.
1219.38	Powers and duties.
1219.39	Board procedure.
1219.40	Committee procedure.
1219.41	Compensation and expenses.
1219.42	Prohibited activities.

#### BUDGETS, EXPENSES, AND ASSESSMENTS

1219.50	Budgets, programs, plans, and projects.
1219.51	Contracts and agreements.
1219.52	Control of administrative costs.
1219.53	Budget and expenses.
1219.54	Assessments.
1219.55	Exemption from assessment.
1219.56	Adjustment of accounts.
1219.57	Patents, copyrights, trademarks, publications, and product formulations.
1219.58	Importer associations.

#### BOOKS, RECORDS, AND REPORTS

1219.60	Reports.
1219.61	Books and records.
1219.62	Books and records of the Board.
1219.63	Confidential treatment.
1219.64	List of importers.
1219.65	List of producers.

#### MISCELLANEOUS

1219.70	Right of the Secretary.
1219.71	Suspension or termination.
1219.72	Proceedings after termination.
1219.73	Effect of termination or amendment.
1219.74	Personal liability.
1219.75	Separability.
1219.76	Amendments.
1219.77	OMB control numbers.

## § 1219.1

## 7 CFR Ch. XI (1–1–06 Edition)

### Subpart B—Referendum Procedures

- 1219.100 General.
- 1219.101 Definitions.
- 1219.102 Registration.
- 1219.103 Voting.
- 1219.104 Instructions.
- 1219.105 Subagents.
- 1219.106 Ballots.
- 1219.107 Referendum report.
- 1219.108 Confidential information.
- 1219.109 OMB control number.

### Subpart C—Rules and Regulations

- 1219.200 Terms defined.
- 1219.201 Definitions.
- 1219.202 Exemption for organic Hass avocados.

AUTHORITY: 7 U.S.C. 7801–7813 and 7 U.S.C. 7401.

SOURCE: 67 FR 7264, Feb. 19, 2002, unless otherwise noted.

### Subpart A—Hass Avocado Promotion, Research, and Information Order

SOURCE: 67 FR 56897, Sept. 6, 2002, unless otherwise noted.

#### DEFINITIONS

#### § 1219.1 Act.

*Act* means the Hass Avocado Promotion, Research, and Information Act of 2000, Public Law 106–387, 7 U.S.C. 7801–7813, and any amendments thereto.

#### § 1219.2 Association.

*Association* means an avocado organization established by State statute in a State with the majority of Hass avocado production in the United States.

#### § 1219.3 Conflict of interest.

*Conflict of interest* means a situation in which a Board member or employee has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the Board for anything of economic value.

#### § 1219.4 Consumer information.

*Consumer information* means any action or program that disseminates or otherwise provides information to consumers and other persons, on the use, nutritional attributes, and other information that will assist consumers and other persons in the United States in

making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

#### § 1219.5 Crop year.

*Crop year* means the period from November 1 of one year through October 31 of the following year, or such other one-year period recommended by the Board and approved by the Secretary.

#### § 1219.6 Customs.

*Customs* means the United States Customs Service.

#### § 1219.7 Department.

*Department* means the United States Department of Agriculture.

#### § 1219.8 Exempt handler.

*Exempt handler* means a person who would otherwise be considered a first handler, except that all Hass avocados purchased by the person have already been subject to assessments under the Order. A person who handles both Hass avocados that have already been subject to assessments under the Order and Hass avocados that have not been subject to assessments under the Order is a first handler.

#### § 1219.9 First handler.

*First handler* means a person operating in the Hass avocado marketing system that sells domestic or imported Hass avocados for consumption in the United States and who is responsible for remitting assessments to the Board. For the purposes of the Order, the term means the first person who handles Hass avocados for sale (except a common or contract carrier of Hass avocados owned by another person), including a producer who handles Hass avocados for sale of the producer's own production.

#### § 1219.10 Fiscal period or marketing year.

*Fiscal period* or *marketing year* means the period beginning on November 1 of any year and extending through the last day of October of the following year, or such other consecutive 12-month period as shall be recommended by the Board and approved by the Secretary.